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Supreme Court, U.S.
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In The
Supreme Court of the United States

Arlin Edward Raney, Petitioner

v.

United States Patent & Trademark Office, et. al,
Mr. Geo. Steele & Mr. T. Collins, Respondents

Counsel for appellants,
United States Attorney for the Dist. 0f Coulmbia
Mr. Roscoe C. Hpward,
Mr. David J. Ball, jr. Ast. U.S. Attorney of counsel
Judiciary Center, 555 Fourth St. N. W.
Washington, D. C. 20530
(202) 307-0299

On petition for a writ of Certiorari to
The United States Court of Appeals
for the District of Columbia Circuit

PETITION FOR REHEARING

Arlin Ed. Raney, pro-se * .
1020 Old Furnace Rd.
Harrisonburg, Virginia 22802
(540) 434-4928 .

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US District Court of Appeals for the Federal Circuit, Order Dated, 7-30-03, filed 7-31-03, Clerk Jan Horably, Appeal

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United States Constitution Guarantee's,

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Section 3, Patent Office is established to promote progress of Science, (S. v. F. , 373 US 379)……..…2

Section 3, it is the **DUTY** of the **patent office** & *the courts* To give full effect to the constitution standard (G v. J.D., 385 US 1)…(3) of page……..……...3

Section 5, combining 2 or more patents *may be included*, In one set of letters (H. v. E.,HOW 437), (L v. T. 213 US 301)……..……1

Section 136, **" Remedy "** for refusal to issue is **" MAMDAMUS " to compel issuance, 50, 60……...1**

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INTRODUCTION

Rehearing petitioner Raney filed for **15** patents, in one letter 7-14-1999, by certified US mail, Z-023-194-465, the PTO (patent & trademark office) **failed** to acknowledge until 1-20-2000, after repeated Raney complaints. Helicopter No. 09/435,477, fee paid $300.00, PTO improperly claimed abandoned, In the interim , Raney filed for , novel, Circle Cylinder Engine, patent, No. 09/632,983, 3-26, 2002 , fee paid $380.00, PTO improperly, claimed patent abandoned, Raney contacted Senator George Allen, complaining PTO dysfunction, violating Article 1, sec. 8, cl. 8, sent Sen. Allen a copy of a new, novel, never before applied for patent application as **evidence** the PTO violating citizen patent rights, Raney filed application, No. 10/139,820 Swing Cylinder Engine, fee paid $380.00, a new, novel, world wide, **patent idea,** The PTO, examiner Mr. T. Collins, **promptly rejected**, "

Improbity claiming " Raney must send another $160.00 to prevent abandoning the immediate, Swing Cylinder Engine patent application.

ARGUMENT

1. Petitioner patent Mandamus requests to the US District Court are recorded **EVIDENCE** , ABSOLUTE PROOF the PTO is dysfunctional, failing petitioner constitution patent right, failing congress novel legislated purpose , to induce citizens, **opportunity** as a free people, government patent protection , for inciting citizen inventive genius, to elevate USA in home & world commerce. (G. v. C., 412 US 546).

2. PTO Appeal Board failure to answer **Three** Raney PTO patent board appeals, the board waived any appeal board fee, the board making **no request** for fee, to hear three patent board appeals submitted, the board failed to answer. Petitioner with-out knowledge of fee was not **required** as justified under Supreme Court Notice & **US Dist. Ct. Notice**

dated August 1996, a pro se will be held to less restrictive manner than attorney's.

3. The Supreme Court, primary, fundamental legislated purpose, is protection of free governed people under Article 3, section 1 & 2, In law & equity arising under the constitution, mandating appellate **CERTIORARI** jurisdiction as to law & fact, therefore, the court MUST rise, to the courts legislated duty. Appellate certiorari **discretion to deny**, is not *available to this court* according to the above articles or to the courts clerk where 300 million constitution appellate governed patent right of is concerned. (G. v D., 385 US 1)

4. The (RBW), US District Court of the Dist. of Col. Cir. Ordered the PTO, to show cause, in 45 days, based on Raney MANDAMUS complaint, why ?, patent should not issue, neither the PTO nor the PTO counsel responded. The (RBW) court then, set the Raney patent complaint for jury trial, set a

pre-trial hearing date, in the 9th. month, the (RBW) court with only 19 hour phone notice to petitioner , **dismissed** the case, **vacated** the PTO Mandamus order, canceled the pre-trial hearing , severely shocking Raney, who immediately APPEAL responded, filing to The Court Of Appeals for the **District Of Columbia Circuit**, the PTO Counsel filed a brief the patent case should be transferred to the US Court of Appeals for the Federal circuit, the court of appeals for the dist. of col. Cir. Ordered transferred, precipitating a Raney petitioner response to The Court Of Appeals for The **Federal** circuit **not to docket** the case, Raney was appealing to The Supreme Court of The USA. (The Constitution Published Article **3**, section 1 & 2, **Appellate Court Jurisdiction**).

Three years having now expired since Raney filed on date, 7-14-1999, his, 15 Helicopter patent claim application, the PTO falsely claimed abandoned, together with two other Raney patent applications, frustrated Raney appealed to the US Dist. Ct. Harrisonburg, Va. West. Judge Wilson, who stated Raney must appeal to the US Dist. Ct. of The Dist. Of Columbia,

besides stating " only one patent could be applied for at a time " The Supreme Court has differed with (L. v T., 213 US 301), next Raney appealed to the Us Dist. Court, Washington D. C. Judge Glady's Kessler, who informed Raney he must first appeal to the PTO Appeal Board Before appealing to the US Dist. Ct. of the Dist. Of Col. Cir., which Raney did, Raney filed three PTO appeal board patent appeals the PTO Appeal Board failed to answer. Having complied with Judge Kesslers order & memorandum, Raney then MANDAMUS appeal filed to The Dist. Ct. (RBW) of the dist, of Columbia circuit which (RBW) court issued the PTO MANDAMUS **show cause order**, the (RBW) court held for 9 months & **dismissed**. All a matter of court record, Raney for the **sixth time**, appealed to the court of appeals for the Dist. Of Columbia Circuit, which court on the PTO Counsel motion to transfer Raney Mandamus to the Appeals Court for the FEDERAL CIRCUIT, the US court of appeals for the District of Columbia Circuit **ORDERED.**

PLAINLY the judge Wilson US dist. Ct., the judge Kessler

US Dist. Ct., judge (RBW), Reggie B. Walton US Dist. Ct., all thought the US DISTRICT COURT FOR THE DISTRICT OF COLUMBIA CIRCUIT, was the proper court for patent jurisdiction complaint, petitioner Raney, therefore is well justified appealing to The Supreme Court of The USA under Article 3, section 1 & 2, " CERTIORARI", for **himself**, his **country** & the other US Constitution INDUCED, patent guaranteed, GOVERNED.

CONCLUSION

Petitioner contends, the Virginia, US District Court, judge Wilson, the Washington, D.C, US District Court for The District Of Columbia, judge Kessler, judge Walton of the same Court, who set Mandamus for trial, stated or believed , The US District Court for The District Of Columbia Circuit, was the proper court of **jurisdiction**, none proffered, any other US Dist. Ct., recalling, Petitioner first filed in the Virginia state US Dist. Ct. Western, which normal court of appeals is the 4th. circuit, NOT THE **DISTRICT** OR APPEAL COURT OF THE **FEDERAL** CIRCUIT, and the nine months belated PTO

counsel, **transfer** Motion to the Court Of Appeals, for The District of Columbia Federal Circuit, as **proper** Appeals Court For The District Of Columbia Circuit!

and for the ct. of appeals of the Dist. of Col. Cir. to accommodate the **federal, PTO agency** was **UNFAIR** to petitioner, violating the fundamental principle of the US Constitution, also, violating both the Appeals Court for The District Of Columbia, pro-se notice and The Supreme Court of the USA N O T I C E, dated August 1996 .

Fair trial, non bias, non prejudice, equity, fairness, is what the constitution is all about, save perhaps 10%. Article 3, section 1 & 2, of the constitution **defines** the citizen appellate jurisdiction in law & equity.

The Supreme Court must now recognize, the court is the only court that can render petitioner & his heirs justice, the inferior courts have failed. This court should grant petitioner US PATENTS CLAIMS applied for, understanding the court grants petitioner **nothing** but justice PTO constitutionally denied,

understanding any **patent** Supreme Court authorized, are **INVALID** if specifically held by other US Citizens predating Petitioner PTO patent applications July 14, 1999

Respectfully submitted,

Arlin Edward Raney. Petitioner*
1020 Old Furnace Rd.
Harrisonburg, Virginia 22802
(540) 434-4928

CERTIFICATE

I certify pursuant to Supreme Court Rule 44.2 that this Petition for rehearing is restricted to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented, and that it is presented in good faith and not for delay.

Arlin Edward Raney